

Introduced by Senator Bowen

February 20, 2003

An act to amend Section 1802 of, and to add Section 1802.3 to, the Public Utilities Code, relating to public utilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 521, as introduced, Bowen. Public Utilities Commission: intervenor fees and expenses.

Existing law provides compensation for reasonable advocate's fees, reasonable expert witness fees, and other reasonable costs to public utility customers for participation or intervention in any proceeding of the Public Utilities Commission. Existing law defines "customer" in part to include any representative of a group or organization authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential electrical, gas, telephone, telegraph, or water corporation customers.

This bill would also include within the definition of "customer" any representative of a group or organization authorized pursuant to its articles of incorporation or bylaws to represent the interests of small commercial customers who receive bundled electric service from an electrical corporation. The bill would prohibit a representative of a group representing the interests of small commercial customers who receive bundled electric service from an electrical corporation from being eligible for an award of compensation if the representative has a conflict arising from prior representation before the commission.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 1802 of the Public Utilities Code is amended to read:

1802. (a) “Compensation” means payment for all or part, as determined by the commission, of reasonable advocate’s fees, reasonable expert witness fees, and other reasonable costs of preparation for and participation in a proceeding, and includes the fees and costs of obtaining an award under this article and of obtaining judicial review, if any.

(b) “Customer” means any participant representing consumers, customers, or subscribers of any electrical, gas, telephone, telegraph, or water corporation that is subject to the jurisdiction of the commission; any representative who has been authorized by a customer; or any representative of a group or organization authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential customers, *or small commercial customers who receive bundled electric service from an electrical corporation*, but does not include any state, federal, or local government agency, any publicly owned public utility, or any entity that, in the commission’s opinion, was established or formed by a local government entity for the purpose of participating in a commission proceeding.

(c) “Expert witness fees” means recorded or billed costs incurred by a customer for an expert witness.

(d) “Other reasonable costs” means reasonable out-of-pocket expenses directly incurred by a customer that are directly related to the contentions or recommendations made by the customer that resulted in a substantial contribution.

(e) “Party” means any interested party, respondent public utility, or commission staff in a hearing or proceeding.

(f) “Proceeding” means an application, complaint, or investigation, rulemaking, alternative dispute resolution procedures in lieu of formal proceedings as may be sponsored or endorsed by the commission, or other formal proceeding before the commission.

(g) “Significant financial hardship” means either that the customer cannot afford, without undue hardship, to pay the costs of effective participation, including advocate’s fees, expert witness fees, and other reasonable costs of participation, or that,

1 in the case of a group or organization, the economic interest of the
2 individual members of the group or organization is small in
3 comparison to the costs of effective participation in the
4 proceeding.

5 (h) “Substantial contribution” means that, in the judgment of
6 the commission, the customer’s presentation has substantially
7 assisted the commission in the making of its order or decision
8 because the order or decision has adopted in whole or in part one
9 or more factual contentions, legal contentions, or specific policy
10 or procedural recommendations presented by the customer. Where
11 the customer’s participation has resulted in a substantial
12 contribution, even if the decision adopts that customer’s
13 contention or recommendations only in part, the commission may
14 award the customer compensation for all reasonable advocate’s
15 fees, reasonable expert fees, and other reasonable costs incurred by
16 the customer in preparing or presenting that contention or
17 recommendation.

18 SEC. 2. Section 1802.3 is added to the Public Utilities Code,
19 to read:

20 1802.3. A representative of a group representing the interests
21 of small commercial customers who receive bundled electric
22 service from an electrical corporation shall not be eligible for an
23 award of compensation pursuant to this article if the representative
24 has a conflict arising from prior representation before the
25 commission. This conflict may not be waived.

